

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE**  
**AT KNOXVILLE**

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 3:07-cr-24  
 ) (Phillips/Shirley)  
 ROBERT J. KILLEN, )  
 )  
 Defendant. )

**JUDGMENT ON DECISION BY THE COURT**

The case came before the court on a report and recommendation by the Honorable C. Clifford Shirley, United States Magistrate Judge, recommending that the defendant's motion to dismiss the indictment be granted, and the United States's objections thereto. The Honorable Thomas W. Phillips, United States District Judge, having overruled the objections to the report and recommendation,

**IT IS ORDERED AND ADJUDGED** that the defendant's motion to dismiss [Doc. 10] is **GRANTED**, whereby the indictment is **DISMISSED**.

Dated at Knoxville, Tennessee, this \_\_\_\_ day of November, 2007.

s/ Thomas W. Phillips  
United States District Judge